



February 18, 2009

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## HOUSE BILL No. 1216

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DIGEST OF HB 1216 (Updated February 17, 2009 1:20 pm - DI 87)

**Citations Affected:** IC 25-37.5.

**Synopsis:** Valuable metal dealers and catalytic converters. Requires valuable metal dealers to collect and retain certain information concerning purchases of catalytic converters by the valuable metal dealers.

**Effective:** July 1, 2009.

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January 12, 2009, read first time and referred to Committee on Government and Regulatory Reform.  
February 17, 2009, reported — Do Pass.

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HB 1216—LS 6050/DI 69+



February 18, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1216

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-37.5-1-0.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 0.2. (a) As used in this chapter,**  
4 **"catalytic converter" means a device used to reduce the toxicity of**  
5 **emissions from an internal combustion engine.**

6 **(b) The term includes materials derived from a catalytic**  
7 **converter, including the metals platinum, palladium, and rhodium.**

8 SECTION 2. IC 25-37.5-1-1, AS AMENDED BY P.L.63-2008,  
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2009]: Sec. 1. (a) ~~When~~ **As** used in this chapter, "valuable  
11 metal" means any product made of ferrous metal or nonferrous metal  
12 that is readily used or useable:

13 (1) by a public utility, a railroad, a county, city, or state highway  
14 department, a public or private school, or a postsecondary  
15 educational institution; or

16 (2) on residential or commercial property.

17 (b) As used in this chapter, "valuable metal dealer" means any



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individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal **or catalytic converters** either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks.

(c) As used in this chapter, "purchase" means acquiring a:

- (1) valuable metal product or products by a valuable metal dealer in a single transaction of one hundred dollars (\$100) or more for a consideration; ~~but or~~
- (2) **catalytic converter by a valuable metal dealer for consideration.**

**The term** does not include purchases between scrap metal processing facilities (as defined in IC 8-23-1-36).

SECTION 3. IC 25-37.5-1-2, AS AMENDED BY P.L.170-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided by the state police department for each purchase of valuable metal **or a catalytic converter** the following information:

- (1) The name and address of the **valuable metal** dealer.
- (2) The date and place of each purchase.
- (3) The name, address, age, and driver's license number or Social Security number of the person or persons from whom the valuable metal **or catalytic converter** was purchased.
- (4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal **or catalytic converter** was purchased by use of a government issued photographic identification. The **valuable metal** dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal **or catalytic converter** was purchased, together with the:
  - (A) name of the government agency that issued the photographic identification; and
  - (B) identification number present on the government issued photographic identification.
- (5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal **or catalytic converter** was delivered to the **valuable metal** dealer.
- (6) The price paid for the **valuable metal or catalytic converter**.
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(A) description and weight of the valuable metal purchased; or  
 (B) **description of the catalytic converter purchased, including any letters, numbers, or other identification markings on the catalytic converter.**

(b) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal **or catalytic converter** was purchased. However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from whom valuable metal **or catalytic converter** is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

(c) The completed form and the copy of the government issued photographic identification described in subsection (b) shall be kept in a separate book or register by the **valuable metal** dealer and shall be retained for a period of two (2) years. ~~Such~~ **The** book or register shall be made available for inspection by any law enforcement official at any time.

(d) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

SECTION 4. IC 25-37.5-1-3, AS AMENDED BY P.L.3-2008, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter. The superintendent shall also prepare and distribute a list to each valuable metal dealer describing:

(1) valuable metal products of interest to public utilities, railroads, county, city, or state highway departments, public or private schools, or a postsecondary educational institution; ~~and~~

(2) valuable metal products of interest for use on residential or commercial property; **and**

**(3) catalytic converters and materials derived from catalytic converters.**

SECTION 5. IC 25-37.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Except as provided in section 5 of this chapter, every **valuable metal** dealer shall hold

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each purchase of valuable metal **or a catalytic converter** requiring notification for at least five (5) working days from the date of notification:

- (1) at ~~his~~ **the valuable metal dealer's** regular place of business; and
- (2) separate and apart, so that it is readily identifiable from all other purchases.

During this period, a **valuable metal** dealer may not change the form of the valuable metal **or catalytic converter** and shall permit any law enforcement officer to make inspection of the valuable metal **or catalytic converter** purchased.

SECTION 6. IC 25-37.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. ~~The provisions of~~ Sections 2 and 3 of this chapter do not apply to:

- (1) purchases from persons, firms, limited liability companies, or corporations regularly engaged in the business of:

- (A) manufacturing valuable metals ~~the business of~~ **or catalytic converters; or**

- (B) selling valuable metals **or catalytic converters** at retail or wholesale; ~~to~~

- (2) the purchase of one (1) **valuable metal** dealer from another **valuable metal dealer; or**

- (3) the purchase from persons, firms, limited liability companies, or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph, and other communications;

if ~~such~~ **the** persons, firms, limited liability companies, ~~or~~ corporations, **or other valuable metal dealers**, at the time of purchase, provide the **valuable metal** dealer with a bill of sale or other written evidence of title to the valuable metal **or catalytic converter**.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BARTLETT, Chair

Committee Vote: yeas 9, nays 1.

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